

Joshua L. Benson, Esq.  
Nevada Bar No. 10514  
BENSON ALLRED INJURY LAW  
333 N. Rancho Dr., Ste 420  
Las Vegas, Nevada 89106  
Telephone: (702) 820-0000  
Facsimile: (702) 820-1111  
E-mail: [josh@bensonallred.com](mailto:josh@bensonallred.com)  
*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

NICOLE SHABAZ, individually;

Plaintiff,

v.

WALMART, INC., a Delaware Corporation;  
DOES I through V, inclusive; and ROE  
CORPORATIONS VI through X, inclusive,

Defendants.

Case No.: 2:23-cv-01050-JAD-BNW

**DISCOVERY PLAN AND SCHEDULING  
ORDER**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting**: Pursuant to FRCP Rule 26(f), a meeting was held on July 13, 2023, and was attended telephonically by Joshua Benson, Esq. of BENSON ALLRED INJURY LAW for Plaintiff and Susan Gillespie, Esq. of BURGER MEYER LLP for Defendant.

2. **Pre-Discovery Disclosures**: Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), by July 27, 2023.

3. **Areas of Discovery**: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

1           4. **Discovery Plan:** The parties propose the following discovery plan:

2                 **Discovery Cut-off Date(s):** Defendant Walmart, Inc. first appeared in this matter by  
3                 filing an Answer on June 28, 2023. Defendant then filed a notice of removal on July 7, 2023.  
4                 LR 26-1(b)(1) provides that “unless otherwise ordered, discovery periods longer than one  
5                 hundred eighty (180) days from the date the first defendant answers or appears will require  
6                 special scheduling review.” The parties agree there is no need for a special review. Therefore,  
7                 the parties agree that discovery must be commenced and completed no later than December  
8                 26, 2023.  
9

10  
11                 A. **Amending the Pleadings and Adding Parties:**

12                 The parties shall have until September 27, 2023, to file any motions to amend the  
13                 pleadings to add parties. This is 90 days before the discovery cut-off date.

14                 B. **FRCP 26(a)(2) Disclosure of Experts:**

15                 Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-  
16                 1(e)(3) as follows: the disclosure of experts and their reports shall occur on or before October  
17                 27, 2023. The disclosure of rebuttal experts and their reports shall occur on or before  
18                 November 27, 2023. The expert disclosure deadline is 60 days before the discovery cut-off date  
19                 and the rebuttal expert disclosure deadline is 30 days after the initial expert disclosure deadline.  
20

21                 C. **Dispositive Motions:**

22                 The parties shall have until January 25, 2024, to file dispositive motions. This is 30  
23                 days after the discovery cut-off date, as required by LR 26-1(e)(4).  
24

25                 D. **Pre-Trial Order:**

26                 The parties will prepare a Consolidated Pre-Trial Order on or before February 24,  
27                 2024, which is not more than 30 days after the date set for filing dispositive motions in the  
28                 case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are

1 timely filed until 30 days after the decision of the dispositive motions or until further order of  
2 the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be  
3 included in the pre-trial order.  
4

5 E. **Court Conferences**: If the Court has questions regarding the dates  
6 proposed by the parties, the parties request a conference with the Court before entry of the  
7 Scheduling Order. If the Court does not have questions, the parties do not request a conference  
8 with the Court.  
9

10 F. **Authorizations**: Plaintiff will execute the authorizations provided by  
11 Defendant.  
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13 G. **Format of Discovery**: Pursuant to the electronic discovery amendments  
14 to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-  
15 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties  
16 do not anticipate discovery of native files or metadata at this time, but each party reserves the  
17 right to make a showing for the need of such electronic data as discovery progresses.

18 H. **Alternative Dispute Resolution**: The parties certify that they have met and  
19 conferred about the possibility of using alternative dispute-resolution processes including  
20 mediation, arbitration, and if applicable, early neutral evaluation.

21 I. **Alternative Forms of Case Disposition**: The parties certify that they  
22 considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R.  
23 Civ. P. 73 and the use of the short trial program (General Order 2013-01). The parties do not  
24 consent to trial by magistrate judge or use of the short trial program.

25 J. **Electronic Evidence**: The parties certify that they discussed whether they  
26 intend to present evidence in electronic format to jurors for the purposes of jury deliberations.  
27 The parties have not reached any stipulations in this regard at this time.  
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1                   K. **FRCP 35 Examination**: Defendant reserves the right to have Plaintiff  
2 undergo an FRCP 35 Examination performed by Defendant's doctor(s), to be determined if  
3 Plaintiff pursues future damages. Said independent medical examination is allowed pursuant to  
4 the Federal Rules of Civil Procedure and without waiving all objections thereto by either party.

5                   DATED: August 4<sup>th</sup>, 2023.

6  
7 /s/ Joshua Benson

8 Joshua L. Benson, Esq.  
9 Nevada Bar No. 10514  
10 BENSON ALLRED INJURY LAW  
11 333 N. Rancho Dr., Ste 420  
12 Las Vegas, Nevada 89106  
13 *Attorneys for Plaintiff*

/s/ Susan Gillespie

Tabetha A. Martinez, Esq.  
Susan A. Gillespie, Esq.  
BURGER MEYER LLP  
400 South 4<sup>th</sup> St., Ste 500  
Las Vegas, Nevada 89101  
*Attorneys for Defendant*

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15 **IT IS SO ORDERED:**

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18 **UNITED STATES MAGISTRATE JUDGE**

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DATED: August 7, 2023